

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                               |   |                      |
|-------------------------------|---|----------------------|
| MICHELLE L. SUDDUTH           | ) |                      |
|                               | ) |                      |
| Plaintiff,                    | ) |                      |
|                               | ) |                      |
| vs.                           | ) | No. 03-0163-CV-W-FJG |
|                               | ) |                      |
| MISSOURI DEPARTMENT OF SOCIAL | ) |                      |
| SERVICES, et al.,             | ) |                      |
|                               | ) |                      |
| Defendants.                   | ) |                      |

**ORDER**

On October 3, 2005, the plaintiff filed a Motion to Dismiss plaintiff's claims against Defendant Rhonda Jones with prejudice. The Court granted that motion on October 6, 2005. Defendants have now filed a Motion for Costs (Doc. # 168).

Shortly before the initial trial began in October 2005, plaintiff's counsel notified defendants that they would be dismissing their claims against Jones with prejudice. The trial then continued and the Court granted a directed verdict to each of the three remaining individual defendants on all counts and to DSS on one of its two remaining counts. The claim presented to the jury was an allegation of racially disparate treatment regarding DSS reemployment practices under Title VII. The jury was unable to reach a verdict on this claim and the Court reset the trial on this claim for the April 2006 docket. Defendants request that the Court grant them \$3,789.17 in costs. They state that these costs are almost solely the result of the fifteen depositions which were noticed up by plaintiff.

Plaintiff states that an award of costs at this stage of the litigation would be premature as there has been no final judgment in this case. Plaintiff states that the

Court's rulings on the motion for summary judgment and on the motion for a directed verdict are not appealable until after plaintiff's remaining claim is resolved in April 2006. Thus, plaintiff argues a cost award with regard to the named defendants would be premature.

The Court agrees and will decide the issue of costs after the litigation has been finally resolved. Accordingly, defendant's Motion for an award of costs is hereby **DENIED.**

Date: February 28, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge